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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,424	04/15/2004	Douglas Willard	6450-03	6505
58388	7590	08/02/2006	EXAMINER	
GOWAN INTELLECTUAL PROPERTY 1075 NORTH SERVICE ROAD WEST SUITE 203 OAKVILLE, ON L6M-2G2 CANADA			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/824,424	WILLARD, DOUGLAS	
	Examiner	Art Unit	
	David J. Parsley	3643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,5,8-12 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8-12 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

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1. A fishing rod support:

a) a restriction member comprising a substantially vertical, elongated member having a vertical, longitudinal axis, and a vertical opening from one end of said member, which vertical opening extends substantially along said vertical axis and is configured to receive a rod portion of a fishing rod so that a longitudinal axis of said rod portion is substantially perpendicular to said vertical axis and said vertical opening substantially limits rotational movement of said rod portion about said vertical axis, wherein said vertical opening is a substantially tapered opening extending from the upper end of said restriction member and tapering down to a point at a location disposed between the upper and lower ends of the restriction member, said restriction member having a plurality of guideposts extending perpendicularly from said restriction member; and

b) a retaining member, co-axial to, and operatively coupled to, the restriction member so that said retaining member slides along said vertical axis of said restriction member, and has a wall section which defines a horizontal opening along the side of said retaining member, said horizontal opening being a substantially multiple curved opening on one side of said retaining member and disposed at a position between the upper and lower ends of said retaining member, and a slot extending from the top of said retaining member to a point between the upper and lower ends of the retaining member, said slot being located on the side of the retaining member opposite the horizontal opening, said slot of said retaining member is adapted to engage the plurality of guideposts of said restriction member, and wherein said retaining member is relatively movable between:

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i) a substantially closed position in which said restriction member blocks said horizontal opening and prevents access to said vertical opening through said horizontal opening:  
and

ii) an open position in which said restriction member does not block said horizontal opening, so that access to said vertical opening through said horizontal opening is available,

and wherein said retaining member is normally biased to said closed position, and an upward vertical movement of said rod portion along said vertical axis and in a direction perpendicular to said longitudinal axis of said rod portion, moves said retaining member from said closed position to said open position whereby removal of said rod portion of said fishing rod from said vertical opening through said horizontal opening and thus from said fishing rod support is possible.

## **Detailed Action**

### ***Amendment***

1. This office action is in response to applicant's amendment dated 6-7-06 and this action is final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 10-12, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,460,306 to Rudd in view of U.S. Patent No. 6,089,524 to Lai and in view of U.S. Patent No. 5,210,971 to Efantis.

Referring to claim 1, Rudd discloses a fishing rod support comprising, a restriction member – at 11, being a substantially vertical elongated member – see for example figures 1-5, having a vertical longitudinal axis and a vertical opening – at 15, 17 and proximate 15, from one end of the member and extending substantially along the vertical axis – see for example figures 1-5, which vertical opening is configured to receive a rod portion of a fishing rod – see for example the reel and items 30 and R in figure 1, so that a longitudinal axis of the rod portion – at

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the shaft portion at 30 as seen in figure 2, is substantially perpendicular to the vertical axis – see for example figures 1-6, and the vertical opening substantially limits rotational movement of the rod portion about the vertical axis – see for example figures 1-5, wherein the vertical opening extends from the upper end of the restriction member down to a location disposed between the upper and lower ends of the restriction member – see figure 3, the restriction member having at least one guide post – at 21, extending perpendicularly from the restriction member – see figure 3, a retaining member – at 12, co-axial to and operatively coupled to the restriction member – see for example figures 1-5, so that the retaining member slides along the vertical axis of the restriction member – see for example figures 1-5, and having a wall section which defines a horizontal opening – see at 18, along the side of the retaining member – see for example figures 1-5, the horizontal opening being an opening on one side of the retaining member – see figure 3, and disposed at a position between the upper and lower ends of the retaining member – see – at 18 in figure 3, and a slot – at 16, extending from or near the top of the retaining member to a point below the upper and lower ends of the retaining member – see figure 3, the slot of the retaining member is adapted to engage the at least one guide post of the restriction member – see for example figures 2-3, wherein the retaining member is relatively movable between a substantially closed position in which the restriction member blocks the horizontal opening and prevents access to the vertical opening through the horizontal opening – see for example figure 5, and an open position in which the restriction member does not block the horizontal opening so that access to the vertical opening through the horizontal opening is available – see for example figure 4, and wherein the retaining member is normally biased to the closed position and movement of the rod portion along the vertical axis and in a direction perpendicular to the

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longitudinal axis of the rod portion moves the retaining member from the closed position to the open position whereby substantially uninhibited removal of the fishing rod from the vertical opening through the horizontal opening and thus from the fishing rod support is possible – see for example figures 1-5. Rudd does not disclose upward vertical movement of the rod portion moves the retaining member from the closed position to the open position. Lai does disclose upward vertical movement of the rod portion – at 4, moves the retaining member – at 3, from the closed position – see figure 3 to the open position – see figure 5. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Rudd and add the upward movement of the rod to cause the retaining member to move to the open position of Lai, so as to allow for the rod to be easily removable and insertable into the support device. Rudd further does not disclose the vertical opening tapers down to a point. Efantis does disclose a vertical opening – at 54 or 194, being a substantially tapered opening extending from the upper end of the restriction member and tapering down to a point at a location disposed between the upper and lower ends of the restriction member – see for example figures 2 and 16. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Rudd and add the vertical opening of Efantis, so as to allow for the fishing rod to be securely held in place during use.

Referring to claim 4, Rudd as modified by Lai and Efantis further discloses the retaining member is substantially tubular – see for example at 12 in figures 1-5 of Rudd.

Referring to claim 5, Rudd as modified by Lai and Efantis further discloses the restriction member is substantially tubular – see for example at 11 in figures 1-5 of Rudd.

Referring to claim 10, Rudd as modified by Lai and Efantis further discloses the support further comprises a mount – at F as seen in figure 1 of Rudd.

Referring to claim 11, Rudd as modified by Lai and Efantis further discloses a pocket – see inside item 11 in figures 1-5 of Rudd, for receiving a fishing rod handle – see figures 5-7 of Rudd, wherein the pocket is substantially aligned with a pocket axis and wherein the pocket axis forms an angle of deflection with the vertical – see for example figures 1-5 of Rudd, wherein the body of the support further comprises a neck portion – see at 11, 12 in figures 1-5 of Rudd, and wherein the neck portion forms an angle which is substantially supplementary to the angle of deflection – see for example figures 1-5 of Rudd.

Referring to claim 12, Rudd as modified by Lai and Efantis further discloses the mount – at F, is configured to engage the pocket – see for example figure 1 of Rudd.

Referring to claim 15, Rudd as modified by Lai and Efantis does not disclose the vertical opening is a V-shaped slot extending from one end of the restriction member. However, changing a shape over that of the prior art does not overcome the prior art in that it would have been obvious to one of ordinary skill in the art to take the device of Rudd as modified by Lai and add the opening being v-shaped, so as to allow for the fishing rod to be securely held into the device and to allow easy insertion and removal of the fishing rod from the device.

Referring to claim 16, Rudd as modified by Lai and Efantis further discloses the horizontal opening – proximate 3 of Lai, is defined so as to have an upwardly angled upper surface – see for example figures 2-5 of Lai, so that the rod portion – at 4, slides upwards and outwards when exiting the restriction member – at 2 – see for example figures 2-5 of Lai.

Referring to claim 17, Rudd as modified by Lai and Efantis further discloses a plurality of guideposts – see at 21 and the post at the bottom of 11 in figure 3 of Rudd.



Referring to claim 19, Rudd as modified by Lai and Efantis further discloses the slot – at 16, on the retaining member extends to the top of the retaining member – see figure 3 of Rudd.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rudd as modified by Lai and Efantis as applied to claim 1 above, and further in view of U.S. Patent No. 4,656,774 to Terrill.

Referring to claim 8, Rudd as modified by Lai and Efantis does not disclose a ground engager configured to releasably secure the support to the ground. Terrill does disclose a ground engager – at 14,16, configured to releasably secure the support to the ground – see for example figure 1. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Rudd as modified by Lai and Efantis and add the ground engager of Terrill, so as to allow for the device to be securely held to the ground while allowing for the device to be easily removed from the ground.

Referring to claim 9, Rudd as modified by Lai, Efantis and Terrill further discloses the ground engager is an auger bit – at 14,16 – see for example figure 1 of Terrill.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rudd as modified by Lai and Efantis as applied to claim 1 above, and further in view of U.S. Patent No. 5,437,122 to Wilson. Rudd as modified by Lai and Efantis does not disclose the horizontal opening on the retaining member is a substantially multiple curved opening. Wilson does disclose the horizontal opening on the retaining member is a substantially multiple curved opening – see for example – at 15-22 in figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Rudd as modified by Lai and Efantis and add the multiple curved opening of Wilson, so as to allow for the rod and reel to be securely held in place by the device.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rudd as modified by Lai and Efantis as applied to claim 1 above, and further in view of U.S. Patent No. 5,446,989 to Stange et al. Rudd as modified by Lai and Efantis does not disclose the slot on the retaining member is located opposite the horizontal opening. Stange et al. does disclose the slot – at 22-28, is located opposite the horizontal opening – at 38 or 40 – see figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Rudd as modified by Lai and Efantis and add the slot and horizontal opening of Stange et al., so as to allow for the fishing rod to be securely held in place during use.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 4-5, 8-12 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**

7/27/06

  
David Parsley  
Patent Examiner  
Art Unit 3643